

# **Exhibit 14**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

AUTHENTICOM, INC.,

Plaintiff,

-vs-

Case No. 17-CV-318-JDP

CDK GLOBAL, LLC and  
THE REYNOLDS AND REYNOLDS COMPANY,

Madison, Wisconsin  
June 27, 2017  
8:04 a.m.

Defendants.

STENOGRAPHIC TRANSCRIPT OF SECOND DAY OF EVIDENTIARY HEARING  
**(MORNING SESSION)**  
HELD BEFORE CHIEF U.S. DISTRICT JUDGE JAMES D. PETERSON

APPEARANCES:

For the Plaintiff:

Godfrey & Kahn S.C.  
BY: JENNIFER L. GREGOR  
One East Main Street, Suite 500  
Madison, Wisconsin 53701

Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C.  
BY: MICHAEL N. NEMELKA  
AARON M. PANNER  
DAVID L. SCHWARZ  
DEREK T. HO  
JOANNA T. ZHANG  
JOSHUA HAFENBRACK  
KEVIN J. MILLER  
1615 M Street, N.W.  
Suite 400  
Washington, D.C. 20036

Jennifer L. Dobbratz, RMR, CRR, CRC  
U.S. District Court Federal Reporter  
United States District Court  
120 North Henry Street, Rm. 410  
Madison, Wisconsin 53703  
(608) 261-5709

1           to have exhaustively mastered every subtlety, but at least I  
2         tried to get a perspective so that we can go fairly quickly, and  
3         I think everybody picked up on the idea that as for  
4         qualifications, you can just give me the elevator pitch  
5         highlighting the most salient qualifications that are pertinent  
6         to this matter. So with that, plaintiff should call its next  
7         witness.

8           MS. GREGOR: Thank you. Plaintiffs call Wayne Fitkin.

9           **WAYNE FITKIN, PLAINTIFF'S WITNESS, SWORN,**

10           DIRECT EXAMINATION

11          BY MS. GREGOR:

12          Q        Good morning. Can you please state your name for the  
13         record.

14          A        Wayne Fitkin.

15          Q        Where do you live?

16          A        Yorba Linda, California.

17          Q        Can you give us an overview of your experience in the  
18         automotive IT industry?

19          A        I've been working in the automotive IT industry for the  
20         past 29 years.

21          Q        Where do you currently work?

22          A        I currently work at Walter's Automotive Group in Riverside,  
23         California, and Ontario, California.

24          Q        Have you worked in any other dealerships?

25          A        Yeah. Prior to February of last year, I worked 28 years

1           for the Fletcher Jones Automotive Group managing 20 dealerships  
2           from Honolulu to Chicago.

3       Q      What is your role currently?

4       A      IT director.

5       Q      Are you familiar with DMS software integrators and vendors  
6           then?

7       A      Very much so, intimately.

8       Q      And which DMS provider has supplied the dealerships that  
9           you've worked for?

10      A      Currently it's CDK.

11      Q      Have you used Authenticom's DealerVault product?

12      A      I have.

13      Q      And are you satisfied with DealerVault?

14      A      I think it's an incredibly exceptional product when it was  
15           first offered to me when I worked for Fletcher. I signed all 20  
16           of our franchises up for it. It's the best thing I have ever  
17           seen because for once I had a single pane of glass to see every  
18           third-party vendor that was receiving data. I could turn them  
19           on and off at will. I could add new feeds. I could see the  
20           fields that they were getting. It was complete control, and at,  
21           you know, \$35 a rooftop, it was an incredible deal. In fact, I  
22           was never charged once by a third-party vendor for the fees for  
23           the service. They were so nominal that it was just considered a  
24           cost of doing business for them.

25                   THE COURT: How many dealers are in the Walter's

1           Automotive Group?

2           THE WITNESS: Currently four.

3           THE COURT: Four? Okay. Okay. Very good.

4           BY MS. GREGOR:

5           Q       How many dealers were at the Fletcher Jones -- in the  
6           Fletcher Jones --

7           A       20.

8           Q       How does DealerVault compare to CDK's product for  
9           integration?

10          A       Well, I've not seen a product that does any of those things  
11           that I've mentioned that CDK offers. There is a place where you  
12           can go look where they're telling you how many bad guys are  
13           connecting to your computer systems and how many processes that  
14           are running on the system that shouldn't be there, but I have  
15           yet to even find a place to turn the 3PA feed off.

16          Q       Did you hear testimony -- did you attend most of the  
17           proceedings yesterday?

18          A       The whole day I was here.

19          Q       Did you hear testimony about user IDs and passwords?

20          A       I did.

21          Q       Can you explain how you create a user ID for Authenticom in  
22           your role as the IT director for the dealership?

23          A       Well, I heard a lot about them asking people, "Did you give  
24           your user ID out?" I would never give my user ID out. My user  
25           ID has access to 100% of every single function that there is on

1           the system. What I have done for Authenticom is create a user  
2         ID just for Authenticom that has access to a single function,  
3         ENG, which is basically -- it's an English statement processor  
4         where you type your query in a language they don't call SQL.  
5         They call it English. You type an English statement, and the  
6         results of your question is spilled to the screen that they then  
7         scrape.

8           THE COURT: What is English? You mean like --

9           THE WITNESS: English is CDK or ADP's flavor or name  
10          for SQL, Structured Query.

11           THE COURT: Okay. So you still have to know how to  
12          write a SQL query.

13           THE WITNESS: Right. It's close, you know, like list,  
14          and then you say the file name you want to list the data from,  
15          and then you put your parameters. Maybe you only want a day's  
16          worth of data. You don't want to spill all the data. You just  
17          want updates and then the fields you want, and that's how  
18          they're written.

19           THE COURT: Okay. So there's a common-sense dimension  
20          to it, but you can't -- you need some training on how to present  
21          what they call an English query.

22           THE WITNESS: Right. And I've been to their system  
23          administrator classes in Clackamas, Oregon.

24           THE COURT: So it's not like just doing a Google  
25          search that you --

1                   THE WITNESS: No, no, no, no. It's a flavor originally  
2 designed for a fossil of an operating system called Pick that is  
3 still running on their systems today.

4                   THE COURT: Okay.

5                   THE WITNESS: And that's the query language.

6                   THE COURT: Okay. I get it.

7                   THE WITNESS: It's called English.

8                   THE COURT: I got it.

9 BY MS. GREGOR:

10 Q         How does the level of access that Authenticom has compare  
11 to your access as the IT administrator for the dealership?

12 A         I have the keys to the kingdom. There's not a feature that  
13 I can't run, full access to every single thing on every single  
14 account. Authenticom has access to limited accounts and to a  
15 single function, ENG, for the purpose of retrieving the data  
16 that I need them to retrieve so that they can -- I like to call  
17 it feeding the children. All the third-party vendors that need  
18 the data, I call that feeding the children. So they gather the  
19 data, normalize the data, check the addresses against the NCOA  
20 database, and then send the feeds to a couple dozen third-party  
21 vendors that I use.

22 Q         Did you hear testimony yesterday about manual reporting?

23 A         I did hear that. I heard that quite a bit, and I have to  
24 say I understand that CDK and Reynolds offer a way for me to do  
25 that manually. Here is the thing about manual: Manual doesn't

1 work. Take the case of the open recall vendor that was here  
2 yesterday. It's 50 stores. He's got to find 50 people, one in  
3 each store, to manually run a report, grab the data, and then  
4 transmit it to Authenticom. These people can't have a day off.  
5 They can't make a mistake, can't have a vacation. It doesn't  
6 work unless you can automate the process. You have to be able  
7 to automate the process.

8 In the example of -- I'll give you an example. If I want  
9 to get every repair order created every single day and I want  
10 the data of all the repair orders that were opened on that day,  
11 I have to get that data after the service department closes so  
12 they're not creating any more repair orders but before the job  
13 stack runs and rolls all the closed ones into the history file.  
14 That has to be done between 8:00 and 10:00. You're not going to  
15 have an employee there between 8:00 and 10:00 to do that  
16 manually every single day, so manual has no value. If you're  
17 going to do data extractions, it has to be automated. The  
18 minute that CDK takes away the ability to automate these data  
19 extractions, they've taken away a valuable tool that I've had  
20 for almost 30 years.

21 Q Can we have Plaintiff's Exhibit 152 on the screen, please?  
22 While we're pulling it up, Mr. Fitkin, did you submit a couple  
23 of declarations in this proceeding?

24 A I did.

25 Q And when was the last time you reviewed those?

1           I, JENNIFER L. DOBBRATZ, Certified Realtime and Merit  
2 Reporter in and for the State of Wisconsin, certify that the  
3 foregoing is a true and accurate record of the proceedings held  
4 on the 27th day of June, 2017, before the Honorable James D.  
5 Peterson, Chief U.S. District Judge for the Western District of  
6 Wisconsin, in my presence and reduced to writing in accordance  
7 with my stenographic notes made at said time and place.

8           Dated this 5th day of July, 2017.

9

10

11

12

13

14

/s/ Jennifer L. Dobbratz

15

Jennifer L. Dobbratz, RMR, CRR, CRC  
Federal Court Reporter

16

17

18

19

20

21

22

23

24

25

The foregoing certification of this transcript does not apply to  
any reproduction of the same by any means unless under the  
direct control and/or direction of the certifying reporter.